

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

PHILLIP JOSEPH JOHNSON,

Plaintiff,

v.

TRINH, *et al.*,

Defendants.

Case No. 1:23-cv-00241-JLT-BAM (PC)

ORDER CONSTRUING PLAINTIFF'S  
NOTICE OF CHANGE OF ADDRESS AS  
MOTION FOR EXTENSION OF TIME TO  
FILE OBJECTIONS TO FINDINGS AND  
RECOMMENDATIONS

ORDER GRANTING MOTION FOR  
EXTENSION OF TIME TO FILE  
OBJECTIONS TO FINDINGS AND  
RECOMMENDATIONS

(ECF No. 12)

**THIRTY (30) DAY DEADLINE**

Plaintiff Phillip Joseph Johnson ("Plaintiff") is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff's complaint has not yet been screened.

On February 21, 2023, the Court issued findings and recommendations that Plaintiff's motion for preliminary injunction and temporary restraining order be denied. (ECF No. 10.) Plaintiff was directed to file any objections to the findings and recommendations within fourteen days from the date of service. (*Id.* at 4–5.)

On March 7, 2023, Plaintiff filed a notice of change of address. (ECF No. 12.) Plaintiff also explained that all of his legal paperwork for this action is located in the property room at his new institution, and he is experiencing difficulty getting his case work from his property.

1 Plaintiff states he may have to wait a month or longer to get his property because of his restricted  
2 housing status, and he has limited access to the law library. Plaintiff requests an extension of  
3 time to file his objections to the Court's findings and recommendations so he can obtain his  
4 property from the property officer. (*Id.*)

5 Based on the contents of the filing, the Court will construe the filing as a motion for  
6 extension of time to file objections to the pending findings and recommendations. The Court  
7 finds good cause to grant the requested extension of time based on Plaintiff's recent transfer and  
8 his difficulties obtaining access to his legal property. Fed. R. Civ. P. 6(b) The Court finds that an  
9 extension of thirty days is appropriate under the circumstances.

10 Accordingly, it is HEREBY ORDERED that:

- 11 1. Plaintiff's notice of change of address, (ECF No. 12), is construed as a motion for  
12 extension of time;
- 13 2. Plaintiff's motion for extension of time to file his objections to the pending findings and  
14 recommendations, (ECF No. 12), is GRANTED; and
- 15 3. Within **thirty (30) days** from the date of service of this order, Plaintiff may file written  
16 objections to the February 21, 2023 findings and recommendations.

17  
18 IT IS SO ORDERED.

19 Dated: March 9, 2023

20 /s/ Barbara A. McAuliffe  
21 UNITED STATES MAGISTRATE JUDGE  
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